



Customer No.: 26308

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fries, et al.

Attorney Docket No.: 1735.ALA100-FOR

Serial No.: 10/825,493

Examiner: Kimberley Keil McClelland

Filed: 15 April 2004

Group Art Unit: 1734

Title: Label Applicator

**TELEPHONIC INTERVIEW SUMMARY**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

On 13 September 2007, at 9:00 A.M. CST, a telephonic interview was conducted between above named Examiner and the following people:

Ed Dyer, representative of Assignee,  
John M. Manion, Reg. No. 38,957, and  
Garet K. Galster, Reg. No. 59,643.

Applicants would like to thank Examiner for granting the Applicant initiated telephonic interview request and for agreeing to discuss claims 4 and 6, in addition to claims 1 and 5, during the interview.

Pursuant to 37 CFR § 1.133(b) and MPEP § 713.04, Applicants hereby submit the following summary of the telephonic interview.

### 1. Claims Discussed

The following claims were discussed: 1, 4, 5 and 6.

### 2. Prior Art Discussed

The only prior art reference discussed was PCT Application PCT/AU87/00267, published as International Publication Number WO 88/01247, listing Arthur Agüero as inventor.

### 3. Principal Proposed Amendments

Applicants proposed the following amendment to Claim 1:

Claim 1 (currently amended):

An apparatus for supplying and wrapping elongate articles with labels, and capable of handling elongate articles for wrapping a label thereabout, said labels having an adhesively coated side, said elongate articles each having a peripheral surface, said apparatus including:

a label roller assembly for supplying labels to said apparatus;

a rotatable puck mechanism, said puck mechanism having an interrupted circumferential surface ~~defining an opening, said opening adapted to receive a predetermined elongate article;~~

means for rotating said puck mechanism;

means for transporting at least one of said labels toward ~~said opening~~ an interruption of said puck mechanism circumferential surface; and

means for transporting said peripheral surface of said elongate article ~~toward through said opening~~ interruption of said puck mechanism circumferential surface.

Aside from Examiner's contention that additional searching would be required as a result of the above amendment, thereby necessitating the filing of a Request for Continued Examination, the amendment was generally well received by Examiner. Examiner indicated that such amendment would likely assist in overcoming the current rejections based on Agüero.

Examiner graciously agreed to discuss claim 4, despite such discussion not being listed on the prior submitted interview request form. While no specific amendments to claim 4 were discussed, the nature of amendment of general structural limitations was mentioned by Examiner.

Applicants and Examiner agreed that an analysis of claim 5 reveals that an amendment similar to that of claim 1 would assist in overcoming the current rejections.

No specific amendments were discussed relating to claim 6.

#### 4. General Arguments

The general thrust of Applicants' argument was that the "opening" introduced in the second limitation of claim 1, is not met by Examiner's assertion of an opening in Aguero by reference numeral (39). The "opening" in claim 1 is required to be defined by the circumferential surface. Rather, the "opening" in Aguero, asserted by Examiner in the Final Office Action as reference (39), is a bore through the purported puck member (38), and therefore is not defined by the circumferential surface of the puck, as required by the second claim limitation of claim 1. Applicants maintain that such interpretation is proper. Furthermore, even if the opening in Aguero was analogous to the opening required by claim 1 of the application, which was asserted by Examiner and denied by Applicants, Aguero does not include any structure comparable to the final limitation of claim 1. Aguero did not disclose a means for transporting, or moving, an elongate article toward the opening. Rather Aguero disclosed clamping mechanisms (59) only to hold the elongate article stationary relative to the opening.

The general thrust of Examiner's argument was that, despite the prior assertion in the Final Office Action that the claimed "opening" could be found in Aguero with reference to numeral (39), construed broadly, the term "opening" actually included the interruption in the circumferential surface of the purported puck mechanism (38), the bore (39) through the center of the puck, and the channel (53) coupling the two. Therefore, Examiner argued, once an elongate article (50) is engaged by the clamping mechanisms (59) of Aguero, the article (50) would move relative to the asserted opening.

Therefore, while Applicants and Examiner maintained their respective interpretational arguments and no agreement was reached as to the meaning of the required "opening," Applicants were able to gain a better understanding of the breadth of Examiner's interpretation, thereby providing guideposts for potential amendments.

The general thrust of Applicants' and Examiner's arguments with respect to claims 4, 5 and 6 are evident from the extant prosecution history.

Applicants would again like to thank Examiner for her time and courtesies extended to Applicants during the interview. Applicants invite Examiner to clarify, correct, or add any detail that is unclear or missing, respectively.

Respectfully Submitted,

By: 

Garet K. Galster, Reg. No. 59,643

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